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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 ANDREW MAKER,

No. CR 07-721 SI

9 Appellant,

**ORDER AFFIRMING JUDGMENT OF
CONVICTION**

10 v.

11 UNITED STATES OF AMERICA,

12 Appellee.
13 _____/

14 On August 13, 2008, following a bench trial before Magistrate Judge Elizabeth D. Laporte,
15 appellant Andrew Maker was convicted of assault in violation of 18 U.S.C. § 113(a)(5). On November
16 4, 2008, appellant Maker was sentenced to three years of probation. Appellant Maker appeals the
17 conviction, contending that the trial court lacked subject matter jurisdiction because the government
18 presented insufficient evidence that the offense took place on federal property.

19 During the trial, Connie Sue Redman, the victim of the assault and a security guard posted at the
20 disabled access gate, and United States Park Police Officer Neil Wu testified that the assault took place
21 within Fort Mason, which is part of the Golden Gate National Recreational Area (“GGNRA”). The
22 GGNRA is administered by the National Park Service, and therefore under federal jurisdiction.
23 Appellant did not present any contrary evidence or otherwise challenge that the event took place at Fort
24 Mason or in the Golden Gate National Recreational Area, nor did he claim that the gates were accessible
25 without entering the property of Fort Mason. Based on the testimony at trial, Judge Laporte found that
26 the assault occurred on federal property.

27 This Court has reviewed the record and concludes that the trial court’s jurisdictional findings
28 are supported and that the trial court properly exercised subject matter jurisdiction. Accordingly, the

1 Court AFFIRMS the judgment of conviction entered by the trial court.

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3 **IT IS SO ORDERED.**

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5 Dated: April 21, 2009



6 SUSAN ILLSTON
7 United States District Judge
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